

3 FAM 6140

BENEFITS WHEN SEPARATED DUE TO EXPIRATION OF LIMITED CAREER EXTENSION, *PRESIDENTIAL APPOINTMENT*, EXPIRATION OF TIME IN CLASS, RELATIVE PERFORMANCE OR REDUCTION IN FORCE

(CT:PER-683; 09-27-2012)
(Office of Origin: HR/RET)

3 FAM 6141 ELIGIBILITY FOR IMMEDIATE RETIREMENT BENEFITS

(CT:PER-683; 09-27-2012)

(Uniform State/USAID/BBG/Commerce/Peace Corps/Foreign Service Corps-USDA)
(Applies to Foreign Service Employees)

A member of the Foreign Service who meets the requirements set forth in 3 FAM 6141.1 for the Foreign Service Retirement and Disability System (FSRDS) or 3 FAM 6141.2 for the Foreign Service Pension System (FSPS), qualifies for immediate retirement benefits. Certain periods of service in a noncareer Foreign Service appointment may count toward the minimum time-in-service qualifications set forth in 3 FAM 6141.1 and 3 FAM 6141.2. Other retirement qualifications (i.e., sufficient creditable service in the FSRDS or FSPS) must also be met. These members of the Foreign Service include members who are:

- (1) Separated for* expiration of a limited career extension under section 607(c)(2) of the Foreign Service Act (hereinafter, "Act");
- (2) Separated for* expiration of maximum time in class under section 607(c)(1) of the Act;
- (3) Separated based* on relative performance under section 608(b) of the Act;
- (4) Separated due* to a reduction in force under section 611 of the Act; *or*
- (5) Not reassigned to the Foreign Service within 90 days of termination of an appointment under section 302(b) of the Act.*

3 FAM 6141.1 Participants in the Foreign Service Retirement and Disability System (FSRDS)

(CT:PER-683; 09-27-2012)

(Uniform State/USAID/BBG/Commerce/Peace Corps/Foreign Service Corps-USDA)
(Applies to Foreign Service Employees)

A participant in the Foreign Service Retirement and Disability System (FSRDS) *who is separated under circumstances set forth in 3 FAM 6141:*

- (1) At Class 01 or above *who has creditable service under FSRDS and has been a member of the Foreign Service for at least 5 years* is entitled to immediate retirement benefits computed in accordance with section 806 of the Act;
- (2) At Class 02 or below who is at least 50 years of age, has 20 years of creditable service under FSRDS, and has been a member of the Foreign Service for at least 5 years is entitled to immediate retirement benefits computed in accordance with section 806 of the Act;
- (3) At Class 02 and below who is at least 60 years of age, has *creditable service under FSRDS, and has been a member of the Foreign Service for at least 5 years* is entitled to immediate annuity benefits computed in accordance with section 806 of the Act; *or*
- (4) *Whose reassignment after service under Section 302(b) of the Act the Secretary determines is not in the interest of the Foreign Service, is entitled to immediate retirement benefits computed in accordance with section 806 of the Act.*

3 FAM 6141.2 Participants in the Foreign Service Pension System (FSPS)

(CT:PER-683; 09-27-2012)

(Uniform State/USAID/BBG/Commerce/Peace Corps/Foreign Service Corps-USDA)
(Applies to Foreign Service Employees)

A participant in the Foreign Service Pension System (FSPS) *who is separated under circumstances set forth in 3 FAM 6141:*

- (1) At Class 01 or above, who has *creditable service under FSPS and has been a member of the Foreign Service for at least 5 years* is entitled to immediate retirement benefits computed in accordance with section 855(b)(2) of the Act;
- (2) At Class 02 or below who *has creditable service under FSPS*, is at least 50 years of age and has 20 years of creditable service under the FSPS, and has completed at least 5 years as a member of the Foreign Service, is entitled to immediate retirement benefits computed in accordance with section 855(b)(2) of the Act;

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- (3) Who is not covered under 3 FAM 6141.2, *subparagraphs* (1) and (2), but meets the eligibility criteria for immediate *retirement benefits* under the Federal Employees Retirement System (FERS), 5 U.S.C. 84, is entitled to immediate retirement benefits under the FSPS. *Retirement* eligibility under FERS is extended to FSPS participants with 5 years of service at age 62; with 25 years of service at any age; and with 10 years of service at the *minimum retirement age* (5 U.S.C. 8412(h)). Such benefits are computed *at the rate stated in* 5 U.S.C. 8415(a) *or* 5 U.S.C. 8415(d); *or*
- (4) *Whose reassignment after service under Section 302(b) the Secretary determines is not in the interest of the Foreign Service, is entitled to immediate retirement benefits computed in accordance with section 855(b)(2) of the Act.*

3 FAM 6142 ELIGIBILITY FOR DEFERRED RETIREMENT BENEFITS

3 FAM 6142.1 Participants in the Foreign Service Retirement and *Disability* System

(CT:PER-683; 09-27-2012)

(Uniform State/USAID/BBG/Commerce/Peace Corps/Foreign Service Corps-USD)
(Applies to Foreign Service Employees)

A participant in the *Foreign Service Retirement and Disability System* (FSRDS) who *is* not *eligible* for an immediate annuity, but has at least 5 years of *creditable* civilian service *under FSRDS* may elect to receive:

- (1) A deferred annuity, computed under section 806 of the Foreign Service Act, commencing at age 60; or
- (2) A refund of the contributions the participant made to the Foreign Service Retirement and Disability Fund in accordance with section 815 of the Foreign Service Act.

3 FAM 6142.2 Participants in the Foreign Service Pension System

(CT:PER-683; 09-27-2012)

(Uniform State/USAID/BBG/Commerce/Peace Corps/Foreign Service Corps-USD)
(Applies to Foreign Service Employees)

A participant in the *Foreign Service Pension System* (FSPS) who *is* not *eligible* for an immediate annuity, but who has at least 5 years of *creditable* civilian service *under FSPS* may elect to receive:

- (1) A deferred annuity, in accordance with section 8413 of Title 5 U.S.C.

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commencing at age 62 or the applicable Minimum Retirement Age; or

- (2) A refund of the contributions the participant made to the Foreign Service Retirement and Disability Fund in accordance with 5 U.S.C. 8424.

3 FAM 6143 *BENEFITS (SEVERANCE PAY)*

(CT:PER-683; 09-27-2012)

(Uniform State/USAID/BBG/Commerce/Peace Corps/Foreign Service Corps-USD)
(Applies to Foreign Service Employees)

- a. A member of the Foreign Service who is separated:
 - (1) *For expiration of maximum time in class under section 607(c)(1) of the Foreign Service Act;*
 - (2) *Based on relative performance under section 608(b) of the Foreign Service Act; or*
 - (3) Due to a reduction in force under section 611 of the Foreign Service Act, is entitled to severance pay under section 609(b) of the Foreign Service Act except as provided in subsection (b).
- b. The following members of the Service are not entitled to severance pay:
 - (1) Participants at class 01 or above;
 - (2) Participants at class 02 or below and who are at least age 50 with 20 years creditable service under the *Foreign Service Retirement and Disability System (FSRDS)* or *Foreign Service Pension System (FSPS)*, including at least 5 years as a member of the Foreign Service; *and*
 - (3) *FSPS participants who meet the age and service requirements for an immediate annuity under 5 U.S.C. 84.*

3 FAM 6144 MISCELLANEOUS PROVISIONS

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(Uniform State/USAID/BBG/Commerce/Peace Corps/Foreign Service Corps-USD)
(Applies to Foreign Service Employees)

Material previously published in 3 FAM 671.5, Creditable Service; 3 FAM 672, Separation or Retirement Under the Foreign Service Retirement and Disability System; and 3 FAM 673, Benefits Under the Foreign Service Retirement System, are republished in their entirety in 3 FAM 6000.

3 FAM 6145 THROUGH 6149 UNASSIGNED